

DISTRICT COURT OF GUAM  
TERRITORY OF GUAM  
CRIMINAL MINUTES  
SENTENCING

**FILED**  
DISTRICT COURT OF GUAM  
FEB -7 2006  
MARY L.M. MORAN  
CLERK OF COURT

CASE NO. CR-05-00058

DATE: February 7, 2006

HON. LARRY ALAN BURNS, Designated Judge

Law Clerk: None Present

Court Reporter: Wanda Miles

Courtroom Deputy: Leilani Toves Hernandez

Hearing Electronically Recorded: 10:01:30 - 10:21:28

CSO: J. McDonald / J. Lizama

\*\*\*\*\* APPEARANCES \*\*\*\*\*

DEFT: AMBER LEA BUTLER

ATTY : ALEX MODABER

(X) PRESENT ( ) CUSTODY ( ) BOND (X) P.R.

(X) PRESENT ( ) RETAINED (X) FPD ( ) CJA APPOINTED

U.S. ATTORNEY: JOSEPH TOCK

AGENT:

U.S. PROBATION: CARMEN O'MALLAN

U.S. MARSHAL: NONE PRESENT

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(X) COURT STATES THE APPROPRIATE BASE OFFENSE LEVELS

Base offense level: 6

Total offense level: 4

Criminal History Category: I

NO OBJECTIONS BY THE GOVERNMENT AND DEFENSE

(X) ATTORNEY FOR DEFENDANT ADDRESSES THE COURT:

Requested for the Fine to be waived, a sentence of one year probation, and to waive the condition of notifying her employer of the conviction.

(X) DEFENDANT ADDRESSES THE COURT AND APOLOGIZES

(X) GOVERNMENT ADDRESSES THE COURT AND MAKES ITS RECOMMENDATION:

No objections to counsel's request to waive the notification to the employer.

( ) LETTER(S) OF RECOMMENDATION RECEIVED BY THE COURT

NOTES/OTHER MATTERS:

Defense counsel represented that the defendant will pay the restitution forthwith, in lieu of the imposition of a fine. Government had no objections.

The Court stated that it will impose sentence as stated today, however, if the defendant fails to pay the restitution by next week, then the sentence will include the imposition of a fine and increase the probationary term to two years.

Government moved to Dismiss Count I - Granted.

( X ) DEFENDANT SENTENCED TO PROBATION FOR A TERM OF ONE YEAR .

THE TERM OF PROBATION WILL INCLUDE THE FOLLOWING CONDITIONS:

1. DEFENDANT SHALL NOT VIOLATE ANY FEDERAL, STATE, OR LOCAL LAWS.
2. DEFENDANT SHALL REFRAIN FROM ANY UNLAWFUL USE OF A CONTROLLED SUBSTANCE.
3. DEFENDANT SHALL SUBMIT TO THE COLLECTION OF A DNA SAMPLE AT THE DIRECTION OF THE U.S. PROBATION OFFICE.
4. DEFENDANT SHALL COMPLY WITH THE STANDARD CONDITIONS OF PROBATION AS SET FORTH BY THE U.S. PROBATION OFFICE.
5. DEFENDANT SHALL PAY RESTITUTION IN THE AMOUNT OF \$1,625.90 TO THE PALM TREE GOLF COURSE, ANDERSEN AIR FORCE BASE. PAYMENT SHALL BE MADE PAYABLE TO THE CLERK OF COURT FOR DISBURSEMENT TO THE VICTIM.

DEFENDANT WAS ALSO ORDERED TO PAY A SPECIAL ASSESSMENT FEE OF \$100.00 TO BE PAID WITHIN SIX MONTHS.

COURT STATED THE JUSTIFICATION OF THE SENTENCE IMPOSED. DEFENDANT WAS ADVISED OF HER APPEAL RIGHTS. DEFENDANT WAS RELEASED AS PREVIOUSLY ORDERED.

Courtroom Deputy: 